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Attorneys for Respondents

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ADLER DARWIN CANO VILLATORO, ) No. C 10-5875 TEH

Petitioner, )

v. )

**STIPULATION TO DISMISS; AND  
~~PROPOSED~~ ORDER**

JANET NAPOLITANO, Secretary,  
 Department of Homeland Security;  
 TIMOTHY AITKEN, Field Office Director,  
 Immigration and Customs Enforcement, and  
 ERIC HOLDER, JR., Attorney General of the  
 United States,

Respondents. )

Whereas on March 24, 2011, the Court directed Petitioner to show cause within 14 days after issuance of the mandate why in light of *Pal Singh v. Napolitano*, 619 F.3d 1101 (9<sup>th</sup> Cir. 2010) his petition for a writ of habeas corpus should not be dismissed; and

Whereas on May 3, 2011, the mandate issued in *Pal Singh v. Napolitano, supra*; and

Whereas Petitioner, having been fully advised of the issues pending before the District Court and the potential legal consequences of dismissal, has requested in writing that the petition be dismissed and the stay order be lifted;

Petitioner, by and through his attorney of record, and Respondent, by and through their

1 attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the  
2 above-entitled action without prejudice and to a lifting of the stay of removal imposed on January  
3 31, 2011. The parties further stipulate to paying their own costs and fees.

4  
5 Dated: May 4, 2011

Respectfully submitted,

6  
7 MELINDA HAAG  
United States Attorney

8  
9 /s/  
10 ILA C. DEISS  
Assistant United States Attorney

11 Dated: May 4, 2011

12 /s/  
13 JAMES TODD BENNETT  
Attorney for Petitioner

14  
15 **ORDER**

16 Pursuant to stipulation,  
17 SO ORDERED.

18 DATE: 05/04/2011



28 Stipulation to Dismiss  
C 10-5875 TEH